

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT WALKER,

Petitioner,

Case Number: 06-13050

v.

HONORABLE AVERN COHN

CARMEN D. PALMER,

Respondent.

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ORDER DENYING PLAINTIFF'S MOTION TO AMEND

This is a habeas case under 28 U.S.C. § 2254. Petitioner Robert Earl Walker (Petitioner), a state prisoner convicted of bank robbery and third habitual offender and serving a sentence of 6-20 years, claimed he is incarcerated in violation of his constitutional rights. Petitioner raised claims concerning, among other things, the use of a prior conviction. The matter was referred to a magistrate judge for a report and recommendation (MJRR) and before whom Petitioner filed a motion for summary judgment. The magistrate judge recommended that the petition be denied and Petitioner's motion for summary judgment be denied. The Court agreed with the magistrate judge, adopted the MJRR, and dismissed the case. See Order filed February 7, 2008.

Before the Court is Petitioner's motion to amend the petition. Petitioner seeks to again challenge the use of the prior conviction, although in the context of a prosecutorial misconduct claim. In light of the Court's denial of habeas relief, which included a finding

that the use of the prior conviction was proper, the motion is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Robert Walker, 260799, Michigan Reformatory, 1342 W. Main, Ionia, MI 48846 on this date, February 13, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160